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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/901,124	07/10/2001	William D. Meadow	2222.4960001	7209
26111 7590 01/05/2010 STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C. 1100 NEW YORK AVENUE, N.W.			EXAMINER	
			NGUYEN, NGA B	
WASHINGTO	ASHINGTON, DC 20005		ART UNIT	PAPER NUMBER
			3684	
			MAIL DATE	DELIVERY MODE
			01/05/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

		Application No.	Applicant(s)			
Office Action Summary		09/901,124	MEADOW ET AL.			
		Examiner	Art Unit			
		Nga B. Nguyen	3684			
Period fo	The MAILING DATE of this communication app or Reply	ears on the cover sheet with the c	orrespondence address			
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
Status						
1)☑	Pasnonsive to communication(s) filed on 18 Sc	entember 2000				
·	Responsive to communication(s) filed on <u>18 September 2009</u> .					
2a)⊠ 3)∏	This action is FINAL . 2b) This action is non-final.					
3)[
	closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
Disposit	ion of Claims					
4)🛛	Claim(s) <u>1-4,6-8,12,13,48 and 49</u> is/are pendin	g in the application.				
	4a) Of the above claim(s) is/are withdrawn from consideration.					
	∑ Claim(s) <u>1-4,6-8,48 and 49</u> is/are allowed.					
·	(s)					
7)	Claim(s) is/are objected to.					
8)□	Claim(s) are subject to restriction and/or	election requirement				
٥/١	are subject to restriction and/or	ciccular requirement.				
Applicat	ion Papers					
9)	The specification is objected to by the Examine	r.				
10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.						
,—	Applicant may not request that any objection to the					
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority under 35 U.S.C. § 119						
	· ·	muianitu umdan 35 H.C.C. \$ 110/a)	(d) 0, (f)			
	2) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).					
a)	a) ☐ All b) ☐ Some * c) ☐ None of:					
	1. Certified copies of the priority documents have been received.					
	2. Certified copies of the priority documents have been received in Application No					
	3. Copies of the certified copies of the priority documents have been received in this National Stage					
application from the International Bureau (PCT Rule 17.2(a)).						
* See the attached detailed Office action for a list of the certified copies not received.						
Attachment(s)						
	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948)	4) ∐ Interview Summary Paper No(s)/Mail Da				
3) Information Disclosure Statement(s) (PTO/SB/08) The Notice of Drainsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application						
Paper No(s)/Mail Date 6) Other:						

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DETAILED ACTION

1. This Office Action is the answer to the Amendment filed on September 18, 2009, which paper has been placed of record in the file.

2. Claims 1-4, 6-8, 12, 13, 48, and 49 are pending in this application.

Response to Arguments/Amendment

- 3. Applicant's arguments with respect to claims 1-4, 6-8, 12, 13, 48, and 49 have been considered but are most in view of new grounds of rejection.
- 4. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 12 and 13 are rejected under 35 U.S.C. 112, first paragraph, because the claims recite "a single means" ("a check verifier"). A single means claim, i.e., where a means recitation does not appear in combination with another recited element of means, is subject to an undue breadth rejection under 35 U.S.C. 112, first paragraph. In re Hyatt, 708 F.2d 712, 714-715, 218 USPQ 195, 197 (Fed. Cir. 1983) (A single means claim which covered every conceivable means for achieving the stated purpose was held nonenabling for the scope of the claim because the specification disclosed at most only those means known to the inventor.). When claims depend on a recited property, a fact situation comparable to Hyatt is possible, where the claim covers every conceivable structure (means) for achieving the stated property (result) while the specification discloses at most only those known to the inventor.

Claim Rejections - 35 USC § 103

- 7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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8. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Hayosh, U.S. Patent No. 6,611,598.

Regarding to claims 12 and 13, Hayosh discloses a check verification system

comprising:

a check verifier adapted to verify checks...

Examiner submits that the claimed invention recites an intended use, although

Hayosh fails to discuss the intended use which is to verify the hash value containing in

the MICR line of a check, Hayosh's computer system is capable of verifying the hash

value containing in the MICR line of a check. Therefore, it would have been obvious to

one with ordinary skill in the art at the time the invention was made to modify Hayosh's

to include the feature above for the purpose of enhancing the security in processing a

check.

"The recitation of a new intended use for an old product does not make a claim to

that old product patentable." In re Schreiber, 44 USPQ2d 1429 (Fed. Cir. 1997).

Examiner Note: To avoid the intended use in the claim language, the claims should be

amended to delete the phrases "adapted to" and "configured to", for example: a check

verifier verifying checks, etc...

Allowable Subject Matter

9. Claims 1-4, 6-8, 48, and 49 are allowed over the prior arts cited of record. Application/Control Number: 09/901,124

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Conclusion

10. Claims **1-4**, **6-8**, **48**, **and 49** are allowed.

Claims 12 and 13 are rejected.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen whose telephone number is (571) 272-6796. The examiner can normally be reached on Monday-Friday from 9:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on (571) 272-6702.

12. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

P.O. Box 1450

Alexandria, VA 22313-1450

Or faxed to:

(571) 273-8300 (for formal communication intended for entry),

or

(571) 273-6796 (for informal or draft communication, please label "PROPOSED" or "DRAFT").

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nga B. Nguyen/

Primary Examiner, Art Unit 3684

December 30, 2009